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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,706	02/05/2002	Michael John Curry	1049.001US1	6456
23441	7590	01/06/2009	EXAMINER	
LAW OFFICES OF MICHAEL DRYJA 1474 N COOPER RD #105-248 GILBERT, AZ 85233				NGUYEN, VAN H
ART UNIT		PAPER NUMBER		
2194				
		MAIL DATE		DELIVERY MODE
		01/06/2009		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/683,706	CURRY ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date ____ .	6) <input type="checkbox"/> Other: ____ .

## **DETAILED ACTION**

1. This action is responsive to the amendment filed 10/29/2008.

Claims 1-11 are currently pending in this application. Claims 12-20 have been cancelled.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by **Krueger et al.** (US 6460075 B2).

The Krueger reference was cited in the office action mailed on 11/27/2007.

#### **As to claim 1:**

Krueger teaches a system (see the Abstract) comprising:

hardware;

an operating system;

an application program running on the operating system; and,

an audio or video program running on the operating system, the audio or video program separate from but integrated with the application program such that the application program is unaware that the audio or video program has been integrated therewith, such that a user of the application program is to directly interact with the application program, and the user is to interact with the audio or video program as though the audio or video program were part of the application program, wherein the hardware implements the operating system, the application program, and the audio or video program (see Col.1, line 65-Col.2, line 33: *a browser-based email system having a thin client connected to a host mail server. The thin client implements a browser. The host mail server provides pages to the thin client, which can be rendered by the browser to present an email service to a user. One page contains a mail message screen that allows a user to construct an email message...the email system allows the thin client to capture audio and video data for inclusion with the email message... The client browser supports a user interface that includes pop-up capture panels for both audio and video, with each capture panel enabling the user to record a selected clip and add the clip to the email message...After the user has reviewed the email message, the user can click a "Send" link on the rendered email page to send the email message to an intended recipient. Upon activation of the "Send" link, the browser submits another request to the host mail server that contains both the email message and the audio or video data. Upon receiving this second request, the host mail server converts the email message and the audio or video*

*data to a MIME (Multipurpose Internet Mail Extensions) message and forwards the MIME message to the intended recipient, where it can be rendered in full; see Col.7, lines 53-59: Although the addition of an audio or video clip involves a round trip request/response cycle with the host mail service, this process is hidden to the user. That is, to the user, the UI experience simply involves capturing the audio/video clip and hitting the “Add to Message” button. A new screen appears rapidly with the clip attached to the bottom of the message; see also, Figs.5-9 and the associated text).*

**As to claim 2:**

Krueger teaches the audio or video program is integrated with the application program by detecting when an event related to the application program occurs (see the Abstract and Col.1, line 65-Col.2, line 33).

**As to claim 3:**

Krueger teaches the audio or video program is further integrated with the application program by subclassing into a window of the application program (see Figs.5-8 and the associated text).

**As to claim 4:**

Krueger teaches the audio or video program is further integrated with the application program by hooking into a window of the application program (see Figs.5-8 and the

associated text).

**As to claim 5:**

Krueger teaches the audio or video program is integrated with the application program by employing a customization mechanism of the application program (see Figs.5-8 and the associated text).

**As to claim 6:**

Krueger teaches the audio or video program is integrated with the application program by employing application programming interfaces of the application program (see Figs.5-8 and the associated text).

**As to claim 7:**

Krueger teaches the audio or video program modifies contents of a window of the application program created through the operating system (see Figs.5-8 and the associated text).

**As to claim 8:**

Krueger teaches the audio or video program runs in a window created through the operating system and related to a window of the application program created through the operating system (see Figs.5-8 and the associated text).

**As to claim 9:**

Krueger teaches the application program comprises, among other things, an email program (*present an email service to a user... allows a user to construct an email message*; see the Abstract and Col.1, line 65-Col.2, line 33).

**As to claim 10:**

Krueger teaches the audio or video program comprises, among other things, an audio or video recorder program (see Figs.6-7 and the associated text).

**As to claim 11:**

Krueger teaches the audio or video program comprises, among other things, an audio-and-video program (see Figs.6-7 and the associated text).

**Response to Arguments**

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

## Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## Contact Information

5. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM 6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG-AI AN can be reached at (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/VAN H NGUYEN/  
Primary Examiner, Art Unit 2194**